

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

ALEXANDER MENDONSA,  
TDCJ-CID No. 02117007,

Plaintiff,

v.

DUSTIN ZIMMERMAN, *et al.*,

Defendants.

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2:24-CV-261-Z-BR

**NOTICE OF DEFICIENCY**

On December 19, 2024, Plaintiff tendered to the Clerk a filing initiating a civil rights case under 42 U.S.C. § 1983. (ECF 3).

The Court temporarily grants Plaintiff permission to proceed *in forma pauperis*. However, Plaintiff must cure the deficiency or deficiencies set forth in this Notice of Deficiency (“Notice”). A failure to cure the deficiency or deficiencies set forth in this Notice will result in the dismissal of this complaint without further notice.

Plaintiff is instructed that the filing fee for filing the instant cause in the United States District Court is \$350.00. An additional administrative fee of \$55.00 is charged to plaintiffs who are not granted permission to proceed *in forma pauperis*.

The Court notes 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, that “. . . if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee.” The Court is required to assess and, when funds exist, collect either the entire filing fee or an initial partial filing fee and monthly installments until the prisoner has paid the entire amount of the filing fee. Thus, after the Court’s review of Plaintiff’s inmate trust account records, Plaintiff may be required to pay the full

filing fee pursuant to 28 U.S.C. § 1915(b)(1).

Plaintiff's complaint and/or attachments thereto contain the deficiency or deficiencies marked in the boxes below:

☒ Plaintiff has failed to submit a properly completed In Forma Pauperis Data Sheet obtained from prison officials or has failed to submit a contemporary In Forma Pauperis Data Sheet. By Order of the Court, plaintiff shall obtain and file with the Clerk **within thirty (30) days** from the date of this Notice, a current In Forma Pauperis Data Sheet showing the average monthly deposit and average monthly balance in plaintiff's inmate trust account (or institutional equivalent) for the 6-month period immediately preceding the issuance of this Notice. **The In Forma Pauperis Data Sheet must be certified as to accuracy and signed by an authorized official of the institution.** Plaintiff's failure to submit the required In Forma Pauperis Data Sheet within thirty (30) days will result in a dismissal of Plaintiff's complaint without further notice. Further, Plaintiff must *completely answer each question* on the Application to Proceed In Forma Pauperis and sign in all appropriate spaces. The In Forma Pauperis Data Sheet is available for forwarding to the Court through the prison law library.

☒ Plaintiff has not paid the \$405.00 filing and administrative fee and has failed to submit an Application to Proceed in Forma Pauperis substantially in the form currently provided by a Texas federal court, or a copy thereof. By Order of the Court, Plaintiff shall pay the \$405.00 filing and administrative fee or plaintiff shall obtain, complete, sign, and file with the Clerk **within thirty (30) days** from the date of this Notice, an Application to Proceed In Forma Pauperis. Plaintiff's failure to submit either the \$405.00 filing and administrative fee or the required Application to Proceed In Forma Pauperis within thirty (30) days will result in a dismissal of

Plaintiff's complaint without further notice. Further, Plaintiff must *completely answer each question* on the Application to Proceed In Forma Pauperis and sign in all appropriate spaces. A copy of the form Application to Proceed In Forma Pauperis is available to Plaintiff through his prison law library.

☐ Plaintiff has not properly completed the Application to Proceed In Forma Pauperis because Plaintiff has failed to answer *all* questions on the Application. By Order of the Court, plaintiff shall obtain, complete, sign, and file with the Clerk **within thirty (30) days** from the date of this Notice, an Application to Proceed In Forma Pauperis. Plaintiff must *completely answer each question* on the Application to Proceed In Forma Pauperis and sign in all appropriate spaces. A copy of the form Application to Proceed In Forma Pauperis is available to Plaintiff through the prison law library. Plaintiff's failure to submit a properly completed Application to Proceed In Forma Pauperis within thirty (30) days will result in a dismissal of Plaintiff's complaint without further notice.

☐ Plaintiff has failed to sign the Application to Proceed In Forma Pauperis. By Order of the Court, Plaintiff shall obtain another Application to Proceed In Forma Pauperis, answer all questions on the form, sign it, and file it with the Clerk **within thirty (30) days** from the date of this Notice. Failure to comply with the above instructions within thirty (30) days will result in a dismissal of Plaintiff's complaint without further notice.

☐ Plaintiff has failed to sign the original complaint. By Order of the Court, Plaintiff shall file with the Clerk **within thirty (30) days** from the date of this Notice, a signed Amended Complaint. Plaintiff shall answer each question on the form and shall set forth his entire complaint on the form. Plaintiff shall not incorporate by reference, or otherwise, any portion of the complaint

previously submitted and shall not attach it or any portion as an exhibit. Plaintiff's failure to cure this defect within thirty (30) days will be viewed as a failure to prosecute and will lead to dismissal of the instant cause. **The Clerk's Office will forward an Amended Civil Rights Complaint Form to Plaintiff with this Order ONLY IF this box is checked.**

☐ Plaintiff has failed to utilize the form provided by the Court for the filing of a civil rights claim by a prisoner. By Order of the Court, Plaintiff shall obtain, complete, and file with the Clerk **within thirty (30) days** from the date of this Notice, an Amended Complaint set forth on the form provided by the Court. Plaintiff shall answer each question on the form and shall set forth his entire complaint on the form. Plaintiff shall not incorporate by reference, or otherwise, any portion of the complaint previously submitted and shall not attach it or any portion as an exhibit. Plaintiff shall utilize the form(s) provided by the Court. Plaintiff's failure to cure this defect within thirty (30) days will be viewed as a failure to prosecute and will lead to dismissal of the instant cause. **The Clerk's Office will forward an Amended Civil Rights Complaint Form to Plaintiff with this Order ONLY IF this box is checked.**

☒ Plaintiff has not attached a copy of the grievance(s) as required by question no. III of the complaint form. Plaintiff shall file with the Clerk **within thirty (30) days** from the date of this Notice, a pleading titled "Submission of Court-Ordered Documents" and shall attach to that pleading a copy of each Step 2 grievance, showing the response supplied by prison officials, which he submitted concerning the claims asserted in the original complaint.

It is Further Ordered:

1. Service of process shall be withheld pending review pursuant to 28 U.S.C. § 1915(e)(2).
2. Plaintiff shall not file any amendments to the complaint without prior court

approval.

3. All discovery in this case is stayed until further order.
4. Plaintiff shall not file any motions for appointment of counsel until further order.

Plaintiff is advised that any notification of a change of address must be made by filing a written change of address with the Clerk. This change of address should be titled "Notice of Change of Address" and should not contain any other requests. Failure to file a change of address in the form specified will result in this case being dismissed for want of prosecution.

The form Application to Proceed In Forma Pauperis and the In Forma Pauperis Data Sheet are available at the prison law library.

If the Court has indicated the Plaintiff must file an Amended Complaint on the proper form by checking the corresponding box(es) above, **the Clerk shall forward to Plaintiff a prisoner civil rights complaint form marked "AMENDED," and the Clerk shall stamp the AMENDED COMPLAINT with the appropriate Civil Action number.**

Any failure by Plaintiff to cure the deficiency or deficiencies noted above will result in the dismissal of Plaintiff's complaint without further notice.

IT IS SO ORDERED.

ENTERED December 20, 2024.

  
LEE ANN RENO  
UNITED STATES MAGISTRATE JUDGE